

SECOND REGULAR SESSION

SENATE BILL NO. 846

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR YECKEL.

Pre-filed December 1, 2003, and ordered printed.

TERRY L. SPIELER, Secretary.

3001S.01I

AN ACT

To repeal sections 324.200, 324.203, 324.205, 324.210, and 324.215, RSMo, and to enact in lieu thereof seven new sections relating to licensing of dietitians, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 324.200, 324.203, 324.205, 324.210, and 324.215, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 324.200, 324.203, 324.205, 324.206, 324.210, 324.215, and 324.216, to read as follows:

324.200. 1. Sections 324.200 to 324.225 shall be known and may be cited as the "Dietitian Practice Act".

2. As used in sections 324.200 to 324.225, the following terms shall mean:

(1) "**Commission on Accreditation for Dietetics Education**", the American Dietetic Association's accrediting agency for education programs preparing students for professions as registered dietitians;

(2) "**Committee**", the state committee of dietitians established in section 324.203;

(3) "**Dietetics practice**", the application of principles derived from integrating knowledge of food, nutrition, biochemistry, physiology, management, and behavioral and social science to achieve and maintain the health of people by providing nutrition assessment and nutrition care services. The primary function of dietetic practice is the provision of nutrition care services that shall include, but not be limited to:

(a) Assessing the nutrition needs of individuals and groups and determining resources and constraints in the practice setting;

(b) Establishing priorities, goals, and objectives that meet nutrition needs and are consistent with available resources and constraints;

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

- (c) **Providing nutrition counseling and education in health and disease;**
- (d) **Developing, implementing, and managing nutrition care systems;**
- (e) **Evaluating, making changes in, and maintaining appropriate standards of quality and safety in food and in nutrition services;**
- (f) **Engaging in medical nutrition therapy as defined in subsection 8 of this section;**

[(2)] (4) "Dietitian", a [health care professional engaged in the practice of medical nutrition therapy] **person engaged in dietetic practice as defined in subdivision (3) of this subsection;**

[(3)] (5) "Director", the director of the division of professional registration in the department of economic development;

[(4)] (6) "Division", the division of professional registration of the department of economic development;

[(5)] (7) "Licensed dietitian", a person who is licensed pursuant to the provisions of sections 324.200 to 324.225 to engage in the practice of **dietetics and** medical nutrition therapy;

[(6)] (8) "Medical nutrition therapy", [specific medical nutrition therapies and treatment modalities based on clinical scientific research and practice that are used to treat illness, conditions and injuries and are referred by a person licensed in this state to prescribe medical nutrition therapies and modalities. Medical nutrition therapy includes clinical nutrition assessment, diet modification and intensive intervention and administration of specialized nutrition therapies] **nutritional diagnostic, therapy, and counseling services which are furnished by a registered dietitian;**

(9) **"Registered dietitian", a person who, as determined by the Committee on Dietetic Registration:**

(a) **Has completed a minimum of a baccalaureate degree granted by a United States regionally accredited college or university or foreign equivalent; and**

(b) **Completed the academic requirements of a didactic program in dietetics, as approved by the Commission on Accreditation for Dietetics Education; and**

(c) **Successfully completed the Registration Examination for Dietitians; and**

(d) **Accrued seventy-five hours of approved continuing professional units every five years.**

324.203. 1. There is hereby [established] **created within the division of professional registration, a committee to be known as the "State Committee of Dietitians"** [which shall guide, advise and make recommendations to the division and fulfill other responsibilities designated by sections 324.200 to 324.225. The committee shall approve the examination required by section 324.210 and shall assist the division in carrying out the provisions of sections 324.200 to 324.225]. **The committee shall assist the**

division in administering and enforcing the provisions of sections 324.200 to 324.225, and adopt, publish, and enforce such rules and regulations within the scope and purview of the provisions of sections 324.200 to 324.225 as may be considered to be necessary or proper for the effective administration and interpretation of the provisions of sections 324.200 to 324.225, and for the conduct of its business and management of its internal affairs.

2. The committee shall approve the examination required by section 324.210.

3. The committee shall consist of six members including one public member, appointed by the governor with the advice and consent of the senate. Each member of the committee shall be a citizen of the United States and a resident of this state, and, except as provided in this section and except for the first members appointed, shall be licensed as a dietitian by this state. Beginning with the first appointments made after August 28, 1998, two members shall be appointed for four years, two members shall be appointed for three years and two members shall be appointed for two years. Thereafter, all members shall be appointed to serve four-year terms. No person shall be eligible for reappointment who has served as a member of the committee for a total of eight years. The membership of the committee shall reflect the differences in levels of education and work experience with consideration being given to race, gender and ethnic origins. No more than three members shall be from the same political party. The membership shall be representative of the various geographic regions of the state.

[3.] 4. A vacancy in the office of a member shall be filled by appointment by the governor for the remainder of the unexpired term.

[4.] 5. Each member of the committee shall receive as compensation an amount set by the division not to exceed fifty dollars, and shall be reimbursed for necessary and actual expenses incurred in the performance of the member's official duties. The director, in collaboration with the department of economic development, shall establish by rule, guidelines for payment. All staff for the committee shall be provided by the division.

[5.] 6. The committee shall hold an annual meeting at which it shall elect from its membership a chairperson and secretary. The committee may hold such additional meetings as may be required in the performance of its duties, provided that notice of every meeting shall be given to each member at least three days prior to the date of the meeting. A quorum of the committee shall consist of a majority of its members.

[6.] 7. The governor may remove a committee member for misconduct, incompetency, neglect of the member's official duties, or for cause.

[7.] 8. The public member shall be at the time of the person's appointment a citizen of the United States; a resident of this state for a period of one year and a registered voter; a person who is not and never was a member of any profession licensed or regulated by sections 324.200 to 324.225, or the spouse of such a person; and a person who does not have

and never has had a material financial interest in either the providing of the professional services regulated by sections 324.200 to 324.225, or an activity or organization directly related to any profession licensed or regulated by sections 324.200 to 324.225. The duties of the public member shall not include the determination of the technical requirements to be met for licensure or whether any person meets such technical requirements or of the technical competence or technical judgment of a licensee or a candidate for licensure.

324.205. 1. [After July 1, 2000, no person may use the title licensed dietitian or L.D. in this state unless the person is licensed pursuant to the provisions of sections 324.200 to 324.225.] **Any person who holds a license to practice dietetics in this state may use the title "dietitian" and the abbreviation "L.D.". No other person may use the title "dietitian" or the abbreviation "L.D.". No other person shall assume any title or use any title or use any abbreviation or any other words, letters, signs, or devices to indicate that the person using the same is a licensed dietitian.**

2. [Any person who violates the provisions of subsection 1 of this section is guilty of an infraction.] **No person shall practice or offer to practice dietetics in this state for compensation or use any title, sign, abbreviation, card, or device to indicate that such person is practicing dietetics unless he or she has been duly licensed pursuant to the provisions of sections 324.200 to 324.225.**

3. **Any person who violates the provisions of this section is guilty of a class A misdemeanor.**

324.206. **Provided that a person does not represent or hold himself or herself out as a dietitian as defined by subdivision (2) of subsection 2 of section 324.200, nothing in sections 324.200 to 324.225 is intended to limit, preclude, or otherwise interfere with:**

(1) **Self-care by a person or gratuitous care by a friend or family member;**
(2) **Persons in the military services or working in federal facilities performing any activities described in sections 324.200 to 324.225 during the course of their assigned duties in the military service or a federal facility;**

(3) **A licensed healthcare provider performing any activities described in sections 324.200 to 324.225 that is within the scope of practice of the licensee;**

(4) **A person pursuing an approved educational program leading to a degree or certificate in dietetics at an accredited or approved educational program, provided such person does not provide dietetic services outside the educational program. Such person shall be designated by a title that clearly indicates the person's status as a student;**

(5) **Individuals who do not hold themselves out to be dietitians from marketing or distributing food products including dietary supplements as defined by the Food and Drug Administration or from engaging in the explanation and**

education of customers regarding the use of such products; or

(6) Any person furnishing general nutrition information as to the use of food, food materials, or dietary supplements, nor prevent in any way the free dissemination of literature; provided, however, no such individual may hold themselves out as a dietitian unless they are licensed pursuant to this chapter.

324.210. 1. An applicant for licensure as a dietitian shall be at least twenty-one years of age.

2. Each applicant shall furnish evidence to the committee that:

(1) The applicant has completed a didactic program in dietetics which is approved or accredited by the commission on [accreditation/approval for dietetic] **accreditation for dietetics** education and a minimum of a baccalaureate degree from an acceptable educational institution accredited by a regional accrediting body or accredited by an accrediting body which has been approved by the United States Department of Education. Applicants who have obtained their education outside of the United States and its territories must have their academic degrees validated as equivalent to the baccalaureate or master's degree conferred by a regionally accredited college or university in the United States. Validation of a foreign degree does not eliminate the need for a verification statement of completion of a didactic program in dietetics;

(2) The applicant has completed a supervised practice requirement from an institution that is certified by a nationally recognized professional organization as having a dietetics specialty or who meets criteria for dietetics education established by the committee. The committee may specify those professional organization certifications which are to be recognized and may set standards for education training and experience required for those without such specialty certification to become dietitians.

3. The applicant shall successfully pass an examination as determined by the committee. The committee may waive the examination requirement and grant licensure to an applicant for a license as a dietitian who presents satisfactory evidence to the committee of current registration as a dietitian with the commission on dietetic registration.

4. Prior to July 1, 2000, a person may apply for licensure without examination and shall be exempt from the academic requirements of this section if the committee is satisfied that the applicant has a bachelor's degree in a program approved by the committee and has work experience approved by the committee.

5. The committee may determine the type of documentation needed to verify that an applicant meets the qualifications provided in subsection 3 of this section.

324.215. 1. The committee shall issue a license to each candidate who files an application and pays the fee as required by the provisions of sections 324.200 to 324.225 and who furnishes evidence satisfactory to the committee that the candidate has complied with the provisions of section 324.210 or with the provisions of subsection 2 of this section.

2. The committee may issue a license to any dietitian who has a valid current license to practice **dietetics and** medical nutrition therapy in any jurisdiction, provided that such person is licensed in a jurisdiction whose requirements for licensure are substantially equal to, or greater than, the requirements for licensure of dietitians in Missouri at the time the applicant applies for licensure.

3. The committee may not allow any person to sit for the examination for licensure as a dietitian in this state who has failed the examination as approved by the committee three times, until the applicant submits evidence of satisfactory completion of additional course work or experience and has been approved by the committee for reexamination.

324.216. 1. A licensed dietitian may choose not to renew such person's license and allow such practitioner's license to lapse, or may ask to be put on inactive status, provided such person does not practice dietetics during such period that the license is lapsed or the practitioner is on inactive status. If a person with a lapsed license desires to resume the practice of dietetics, the person shall apply for licensure under the licensing requirements in effect at the time the person applies to resume the practice of dietetics and pay the required fee as established by the committee. If the person wants to maintain such person's license on an inactive status and in order to avoid lapsing of such license, the person shall pay the required fee as established by the committee for maintaining an inactive license. An inactive license shall be renewed biennially. An inactive license may be reactivated by the committee as provided by rule.

2. Any person who practices as a dietitian during the time his or her license is inactive or lapsed shall be guilty of a class A misdemeanor.

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